

## UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

Rocky Lee Music,

Case No. 4 : 20 - mj - 70622 - MAG

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 19, 2020 in the county of Alameda in the  
Northern District of California, the defendant(s) violated:

Code Section

18 U.S.C. § 2119

Offense Description

Carjacking

Maximum Penalties: maximum term of 15 years  
imprisonment; \$250,000 fine; 3 year term of supervised  
release; \$100 special assessment

This criminal complaint is based on these facts:

Attached Affidavit of FBI Special Agent Brett Woolard

**FILED**

May 22 2020

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

☒ Continued on the attached sheet.

Approved As To Form:

*Jonathan U. Lee*

AUSA JONATHAN U. LEE

/s/ Brett Woolard

Complainant's signature

Special Agent Brett Woolard, FBI

Printed name and title

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.2 and 4(d).

Date: May 22, 2020City and state: Oakland, California

Hon. Donna M. Ryu, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Brett Woolard, Special Agent of the Federal Bureau of Investigation, being duly sworn, hereby declare as follows:

**I. INTRODUCTION**

1. This affidavit is being submitted in support of a criminal complaint and arrest warrant charging ROCKY LEE MUSIC (“MUSIC”) with carjacking in violation of 18 U.S.C. § 2119.

2. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me or the FBI concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that, on or around April 19, 2020, MUSIC did use force intended to cause death or serious bodily harm to take a motor vehicle that had been transported in interstate or foreign commerce by violence or intimidation in violation of 18 U.S.C. § 2119. The statements contained in this affidavit are based on information provided to me by other law enforcement officers, victims, and my training, experience, and knowledge.

**II. AFFIANT BACKGROUND**

3. I am a Special Agent of the FBI and have been so employed since August of 2019. Currently I am assigned to the Violent Crimes and Major Offender Squad at the Oakland Resident Agency, San Francisco Field Office.

4. I am a graduate of the FBI Academy in Quantico, Virginia. As part of my training to become a Special Agent, I received approximately 16 weeks of instruction at the FBI Academy. Since graduating from the Academy I have conducted and participated in investigations of firearms-related offenses, drug offenses, and fugitive apprehension. During these investigations, I have utilized or participated in various types of investigative techniques, including electronic surveillance pursuant to court-authorized wiretaps, controlled purchases of narcotics from suspects, physical surveillance, investigative interviews, GPS tracking devices, and pole-mounted cameras. I have participated in the execution of federal arrest and search warrants.

#### **IV. STATEMENT OF PROBABLE CAUSE**

##### **A. MUSIC'S Release from Custody at Santa Rita Jail**

5. On April 19, 2020, MUSIC was booked into Santa Rita Jail following his arrest on auto theft charges in Oakland.

6. On April 19, 2020, at approximately 7:23 P.M., MUSIC was released from custody at Santa Rita Jail.

7. Body camera footage from the releasing officer showed MUSIC waiting to be processed and leaving Santa Rita Jail. MUSIC wore a black shirt, dark pants, and a Golden State Warriors cap and he carried a dark jacket. He also carried a surgical mask issued to him at Santa Rita Jail. The still image below depicts MUSIC in Santa Rita Jail minutes before his processing and release on April 19, 2020.



##### **B. MUSIC Commits Carjacking near Dublin/Pleasanton BART Station**

8. At approximately 8:00 P.M. in the 5200 block of Campus Drive in Dublin, California, a man (later identified by the victim as MUSIC) attacked a male victim seated in a parked Toyota Prius vehicle.

9. According to the victim, moments before the attack, MUSIC and another male walked on the sidewalk next to Campus Drive, approaching the victim's Prius from behind. The two men walked past the Prius. MUSIC turned around, walked around another parked vehicle, and approached the victim's Prius from the front. The other male individual continued to walk

away from the Prius. MUSIC, however, walked along the driver's side of the vehicle parked in front of the victim's Prius, as he continued to approach the victim's Prius from the front. As he neared the driver's side door of the Prius, MUSIC suddenly and abruptly moved to the driver's door, pulling the door open and punching and grabbing the victim as he sat in the driver's seat of the Prius.

10. The victim reported that MUSIC punched him multiple times in the face while pulling him from the driver's seat. The victim suffered a cut on his face from one or more of MUSIC's punches. The victim yelled and screamed for help as MUSIC forced his way into the Prius. When MUSIC forced his entry into the Prius, the victim was outside the vehicle next to the driver's door. As MUSIC began to drive the Prius away from the curb, the victim held onto the driver's side door with his hands. MUSIC accelerated away from the curb and to the left into an active lane of traffic. The victim moved alongside the Prius and MUSIC drove away from the curb and into the active lane of traffic. MUSIC accelerated the Prius, and the victim briefly attempted to give chase, as MUSIC drove away from the scene.

11. Around 8:07 P.M., officers from Dublin Police Services arrived at the scene to investigate the event. Upon investigation officers found a Golden State Warriors cap and a surgical mask. The victim informed the officers that MUSIC dropped the Golden State Warriors cap and surgical mask during the attack on the victim. The image below depicts the Golden State Warriors cap recovered at the scene of the attack.



12. Police also found security camera footage showing a male matching MUSIC's description and wearing similar clothing walk past the parked Toyota Prius, before turning around and walking back toward the Prius. Shouting can be heard, the Prius can be seen being driven away, and the male who had been sitting in the Prius can be seen chasing it on foot.

13. I requested and reviewed information provided by the National Insurance Crime Bureau (NCIB) documenting the manufacturing location for the victim's Prius. According to the NCIB, the victim's Prius was manufactured in Japan and therefore traveled in foreign commerce in order to reach California.

#### **C. MUSIC Attempts to Commit Another Carjacking in San Ramon**

14. Around 8:26 P.M., officers from the San Ramon Police Department responded to a call reporting an attempted carjacking at the San Ramon Library located at 100 Montgomery Street in San Ramon, California. The victim, a female sitting in a vehicle, stated that a man (later identified by the victim as MUSIC) approached her car, a Toyota Scion, while she was parked at the library speaking to a friend on the phone. MUSIC attempted to open her door and violently banged on the window multiple times while shouting. The female victim's vehicle's doors were locked and she was able to drive away. She then saw MUSIC walk across the street to a Valero gas station.

15. I requested and reviewed information provided by the National Insurance Crime Bureau (NCIB) documenting the manufacturing location for the victim's Scion. According to the NCIB, the victim's Scion was manufactured in Japan and therefore traveled in foreign commerce to reach California.

#### **D. Arrest and Identification of MUSIC**

16. Upon searching the area officers found the Toyota Prius taken in the attack on Campus Drive in Dublin at approximately 8:00 P.M. described above. The Prius was in the Valero gas station parking lot and officers initiated a search of the area to attempt to locate MUSIC. At approximately 9:17 P.M., an officer confronted MUSIC. MUSIC ran from the officer who released his K-9 partner to apprehend him. MUSIC resisted and assaulted the K-9 before being subdued and arrested.

17. Both victims viewed MUSIC and identified him as the person who had attacked them.

18. I reviewed MUSIC's criminal history as recorded by the National Crime Information Center (NCIC). The review showed that MUSIC has been arrested several times for vehicle theft as well as several times for assault with a deadly weapon with possible great bodily injury and twice for burglary involving assault with a deadly weapon with possible great bodily injury.

**V. CONCLUSION**

19. Based on the facts and information detailed in this affidavit, I submit that probable cause exists that on or about April 19, 2020, ROCKY MUSIC violated 18 U.S.C. § 2119.

20. As a result of the foregoing, I respectfully request that the Court issue a criminal complaint and a warrant for MUSIC's arrest.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information, and belief.

/s/ Brett Woolard  
Brett Woolard  
Special Agent  
Federal Bureau of Investigation

Sworn to before me over the telephone and signed by me pursuant to Fed.R.Crim.P 4.1 and 4(d) on this 22 day of May 2020

Dated: 5/22/20

  
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HON. DONNA M. RYU  
United States Magistrate Judge